

ACT NO. 2012-600

1 HB25
2 143545-7
3 By Representative Barton
4 RFD: Ways and Means General Fund
5 First Read: 17-MAY-12



1
2 ENROLLED, An Act,

3 To make an appropriation of \$35,990,322 from the
4 Children First Trust Fund for the fiscal year ending September
5 30, 2013, to the entities and for the purposes designated in
6 Section 41-15B-2.2, Code of Alabama 1975; to provide for the
7 deposit of tobacco settlement revenues into the Children First
8 Trust Fund; to require written notification of anticipated
9 agency allocations by the State Director of Finance; to
10 require quarterly allocations; to condition allocations on
11 receipt of tobacco revenues; to provide for the transfer to
12 the State General Fund during fiscal year 2013 that portion of
13 Children Trust Fund receipts currently allocated for the State
14 Board of Education; to make an appropriation of \$48,523,192
15 from other tobacco settlement funds for the fiscal year ending
16 September 30, 2013; to make conditional appropriations from
17 the State General Fund for the fiscal year ending September
18 30, 2013 to (1) the Alabama Medicaid Agency; (2) the
19 Department of Senior Services; (3) the Department of Commerce;
20 (4) the Alabama Department of Economic and Community Affairs;
21 (5) the Alabama Ethics Commission; and (6) the Alabama
22 Historical Commission and to make a conditional appropriation
23 and allocation of additional tobacco revenues upon the
24 recommendation of the Director of Finance, the Chairman of the
25 House Ways and Means General Fund Committee and the Chairman

of the Senate Finance and Taxation-General Fund Committee, and the approval of the Governor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is hereby appropriated from the Children First Trust Fund the sum of \$35,990,322 for the fiscal year ending September 30, 2013, to the entities and for the purposes designated in Section 41-15B-2.2, Code of Alabama 1975 as follows, per the approved plan of investment for each agency:

Alcoholic Beverage Control Board	620,485
Children's Trust Fund	2,455,200
Department of Forensic Sciences	470,302
Alabama Department of Human Resources	9,315,419
Of the above appropriation to the Department of Human Resources, \$744,832 shall be allocated to the Alabama Network of Children's Advocacy Centers for operations and maintenance.	
Juvenile Probation Services Fund	4,657,710
Alabama Medicaid Agency	1,630,198
Alabama Department of Mental Health	2,890,008
State Multiple Needs Children's Fund	4,126,550
Department of Public Health	1,657,710

1 Of the above appropriation to the Department of
 2 Public Health, \$1,000,000 shall be allocated to
 3 the Hudson Alpha Institute to be used for re-
 4 search for cancer, neurodegenerative diseases,
 5 and psychiatric disorders; \$140,000 shall be
 6 used for UAB-Huntsville in affiliation with
 7 lo-cal public health care providers to implement
 8 a comprehensive screening and health outreach
 9 program to include screenings for breast cancer,
 10 prostate cancer, diabetes, and other priority
 11 conditions, to be implemented through the use of
 12 a Mobile Medical Unit and will travel to rural
 13 and underserved areas of North Alabama; and
 14 \$200,000 shall be used for cystic fibrosis re-
 15 search at the University of South Alabama.

16	Department of Rehabilitation Services	248,634
17	Department of Youth Services	7,918,106

18 (b) (1) All tobacco revenues from the tobacco
 19 settlement received by the state previously designated for the
 20 Children First Trust Fund shall be deposited to the Children
 21 First Trust Fund within 30 calendar days of receipt of those
 22 tobacco revenues.

1 (2) The Director of Finance shall notify each agency
2 and the Department of Children's Affairs in writing prior to
3 September 1, 2012, of the dollar amount of the allocation
4 expected to be received by the agency from the Children First
5 Trust Fund in the fiscal year ending September 30, 2013.

6 (3) At the beginning of each quarter of the fiscal
7 year ending September 30, 2013, the respective agency shall be
8 allocated at least one-fourth of the total amount appropriated
9 and allocated to the agency for that fiscal year when tobacco
10 revenues are available for the respective agency. In the event
11 tobacco revenues are not available for the respective agency
12 until later in the fiscal year then the respective agency
13 shall be allocated an equal quarterly allotment for the
14 quarters that funds are available at the beginning of those
15 quarters. Such allocation shall be made and be available for
16 expenditure by the agency within five working days of the
17 commencement of the quarter. If additional sums are
18 appropriated or allocated, or both, during the fiscal year,
19 these sums shall be equally allocated to the respective agency
20 among the remaining quarters of the fiscal year or may be
21 allocated to the respective agency in one sum if revenues are
22 available. The Department of Children's Affairs shall be
23 notified in writing of all appropriations and allocations from
24 the Children First Trust Fund by the Director of Finance.

1 (4) Allocations from the Children First Trust Fund
2 are conditioned upon the receipt of tobacco revenues.

3 (c) Allocations received pursuant to Section 1 shall
4 be expended in accordance with Section 41-15B-2.2, Code of
5 Alabama 1975.

6 (d) At the conclusion of the fiscal year, any
7 remaining sums in the Children First Trust Fund shall remain
8 in the fund and shall not revert to the General Fund or to any
9 other fund, except as provided by HB433 of the 2012 Regular
10 Session, Act No. 2012-____.

11 Section 2. Notwithstanding any provision of Division
12 1 of Article 17 of Chapter 10 of Title 41, Code of Alabama
13 1975, any provision of Chapter 15B of Title 41, Code of
14 Alabama 1975, or any other provision of law, that portion of
15 Children First Trust Fund receipts currently allocated for the
16 State Board of Education shall be transferred from the
17 Children First Trust Fund to the State General Fund during the
18 fiscal year ending September 30, 2013.

19 Section 3. In addition to the appropriation herein
20 above made, there is hereby appropriated from additional to-
21 bacco settlement funds the sum of \$48,523,192 for the fiscal
22 year ending September 30, 2013 to the following entities:

23 Department of Children's Affairs	250,000
24 21st Century Debt Service	13,000,000

1	Senior Services Trust Fund	1,330,774
2	Alabama Medicaid Agency	27,946,257
3	The Alabama Medicaid Agency shall support the	
4	development of and continue existing arrange-	
5	ments with any Program of All-Inclusive Care for	
6	the Elderly (PACE).	
7	Department of Senior Services - Medicaid Waiver	4,996,161

8 There is hereby appropriated \$1,000,000 for the
9 fiscal year ending September 30, 2013, in partial satisfaction
10 of the sum due to the University of South Alabama from the
11 State of Alabama pursuant to the December 20, 1999, tobacco
12 litigation settlement.

13 Section 4. In addition to any other appropriations
14 previously made, there is hereby appropriated from the State
15 General Fund the amount of twelve million dollars
16 (\$12,000,000) to the Alabama Medicaid Agency for the fiscal
17 year ending September 30, 2013, to first be used by the agency
18 to reverse any physician reimbursement reductions made in the
19 fiscal year ending September 30, 2012. This appropriation to
20 the Alabama Medicaid Agency is conditioned upon the
21 ratification of the constitutional amendment proposed by SB147
22 during the 2012 Regular Session.

1 Section 5. In addition to any other appropriations
 2 previously made, there is hereby appropriated from the State
 3 General Fund the amount one million dollars (\$1,000,000) to
 4 the Department of Senior Services for the fiscal year ending
 5 September 30, 2013, to be used by the agency for senior meals.
 6 This appropriation to the Department of Senior Services is
 7 conditioned upon the ratification of the constitutional
 8 amendment proposed by SB147 during the 2012 Regular Session.

9 Section 6. In addition to any other appropriations
 10 previously made, there is hereby appropriated from the State
 11 General Fund the following amounts for the fiscal year ending
 12 September 30, 2013:

13 <u>(a) Department of Commerce</u>	<u>50,000</u>
14 <u>(b) Alabama Department of Economic and</u>	
15 <u>Community Affairs</u>	<u>100,000</u>
16 <u>(c) Alabama Ethics Commission</u>	<u>165,896</u>
17 <u>(d) Alabama Historical Commission</u>	<u>100,000</u>
18 <u>To be added to the amount distributed</u>	
19 <u>as operating grants to state and local</u>	
20 <u>historical sites and parks that are op-</u>	
21 <u>erated by public or nonprofit entities.</u>	

1 The appropriations in this section are conditioned
2 upon the ratification of the constitutional amendment proposed
3 by SB147 during the 2012 Regular Session.

4 Section 7. Any additional tobacco revenues available
5 for the fiscal year ending September 30, 2013, shall be
6 conditionally appropriated, conditioned upon the
7 recommendation of the Director of Finance, the Chairman of the
8 House Ways and Means General Fund Committee and the Chairman
9 of the Senate Finance and Taxation-General Fund Committee, and
10 approval of the Governor.

11 Section 8. The Executive Budget Office and the
12 Director of Finance shall allot funds appropriated from the
13 Children First Trust Fund only following the certification by
14 the Commissioner of the Department of Children's Affairs that
15 a plan of investment has been approved for each agency. The
16 Commissioner of the Department of Children's Affairs shall
17 prescribe the form and format on which each agency receiving
18 appropriated funds herein shall submit a plan of investment of
19 said appropriated funds. The plan of investment shall include,
20 but not be limited to, a minimum of four (4) quality assurance
21 items on which a periodic report, as required by the approved
22 plan of investment, is made and as audited by the Examiners of
23 Public Accounts. Quality assurance items shall include the
24 number of children receiving service, an identifiable measure

1 of success of services provided and a prioritized standard of
2 successful measures for future plans of investment. It is the
3 intent of the Legislature that the Commissioner of the
4 Department of Children's Affairs shall be responsible for
5 providing a standard of measurement by which a clear
6 determination can be made through operational reporting and
7 audit reporting of a measurable success of funds appropriated
8 and invested from the Children First Trust Fund; insure funds
9 appropriated herein are invested in viable programs; insure
10 and promote the leverage of appropriated funds herein in every
11 possible manner and coordinated in all possible ways the
12 investment of funds by each service provider to insure that no
13 unproductive expenditures or duplication occurs. The
14 Commissioner of the Department of Children's Affairs shall
15 notify legislators representing the area where a grant from
16 the Children First Trust Fund is designated. The notification
17 shall occur ten days before the funds reach the recipient
18 agency.

19 Section 9. The Commissioner of the Department of
20 Children's Affairs shall report each approved plan of
21 investment to the Joint Interim Legislative Oversight
22 Committee and the Alabama Children's Policy Council. The
23 Commissioner, upon the request of the service agency, may
24 approve an adjusted plan of investment. It is the intent of
25 the Legislature that funds appropriated from the Children

1 First Trust Fund be directed to meet the most immediate needs
2 of children as changing conditions may develop.

3 Section 10. Should any provision of this act be held
4 invalid, the invalidity thereof shall not affect the remaining
5 provisions of the act.

6 Section 11. This act shall become effective
7 immediately upon its passage and approval by the Governor, or
8 upon its otherwise becoming a law.

Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 21-MAY-12, as amended.

Greg Pappas
Clerk

Senate

24-MAY-12

Passed

APPROVED May 24, 2012

TIME 2:05 p.m.

Rahnt Bentley

GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-600
Bill Num....: H-25

Recv'd 05/24/12 03:31pmSLF

Barton

SPONSORS

I HEREBY CERTIFY THAT THE
RESOLUTION AS REQUIRED IN
SECTION C OF ACT NO. 81-889
WAS ADOPTED AND IS ATTACHED
TO THE BILL, H.B. _____

YEAS _____ NAYS _____

GREG PAPPAS, Clerk

I HEREBY CERTIFY THAT THE
NOTICE & PROOF IS ATTACHED
TO THE BILL, H.B. _____
AS REQUIRED IN THE GENERAL
ACTS OF ALABAMA, 1975 ACT NO.
919.

GREG PAPPAS, Clerk

CONFERENCE COMMITTEE

House Conferees _____

DATE: 5-22 2011

RD 1 RFD

NOTE

This Bill was referred to the Standing
Committee of the Senate on

FDTE

and was acted upon by such Committee in
session and is by order of the Committee
returned therefrom with a favorable report
w/amend(s) _____ w/sub _____ by a vote of

yeas 11 nays 0 abstain 0

this 23rd day of May 2011

Chairperson

DATE: 5-23

20__

RF

RD 2 CAL

DATE:

20__

RE-REFERRED

RE-COMMITTED

Committee _____

I hereby certify that the Resolution as
required in Section C of Act No. 81-889
was adopted and is attached to the Bill,
HB _____

YEAS _____ NAYS _____

PATRICK HARRIS,
Secretary

FURTHER SENATE ACTION (OVER)

SENATE ACTION
(Continued)

DATE: 5/1/82 RD 3 at 1
PASSED ☒ PASSED AS AMENDED

YEAS 30 NAYS 1

And was ordered returned forthwith to the H
PATRICK HA
Sec

DATE:

INDEFINITELY POSTPONED YEAS NAYS

DATE:

RECONSIDERED YEAS NAYS

CONFERENCE COMMITTEE

Senate Conferees

This bill having been referred to the Comm
Rules pursuant to Senate Rule 23 is reporte
Senate for assignment to the Committee on

This day of , 20

, Chair

Date:

Rereferred

Committee: